



The Attorney General of Texas

May 20, 1983

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Mr. Jonathan Day
Mayor, Day and Caldwell
P. O. Box 4544
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Open Records Decision No. 381

Re: Whether records of the
Metropolitan Transit Authority
of Harris County are available
under the Open Records Act

Dear Mr. Day:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether records of the Metropolitan Transit Authority of Harris County [hereinafter Metro] are available to the public.

On November 1, 1982, the Board of Directors of Metro invited bids for transit vehicle procurement. On January 12, 1983, the board received a request for copies of bids submitted by a corporation which the contract was subsequently awarded, subject to compliance with certain conditions. Portions of the successful bid were made available to the requestor. On February 23, 1983, however, one of the unsuccessful bidders filed suit to enjoin Metro from entering into the contract. See Alstom Atlantic, Inc. v. Metropolitan Transit Authority, Cause No. 83-13461, 281st Judicial District Court, Harris County. You contend that those portions of the bid which have not previously been released are excepted from disclosure under section 3(a)(3) of the Open Records Act, as "information relating to litigation."

The information at issue here is clearly relevant to the pending litigation. See Open Records Decision Nos. 323 (1982); 282 (1981). As attorney for Metro, you have determined that it should be withheld from disclosure at this time. We have examined these materials and have concluded that this determination is reasonable. Accordingly, it is our decision that the records of Metro which are the subject of this request are excepted from disclosure at this time by section 3(a)(3) of the Open Records Act, as "information relating to litigation." See Open Records Decision Nos. 299, 282, 266 (1981).

Very truly yours,

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